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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Buttonwillow Rest Stop Water System**
 System No. 1502029

TO: Cassie Swords
 California Department of Transportation (Caltrans)
 1226 Olive Drive
 Bakersfield, CA 93308

BY CERTIFIED MAIL

**CITATION FOR NONCOMPLIANCE
NITRATE MONITORING & REPORTING VIOLATION FOR 2013**

CITATION NO. 03-19-14C-008

Issued on April 8, 2014

Section 116650, Chapter 4 of the California Health and Safety Code (CHSC), authorizes the issuance of a Citation for failure to comply with a requirement of any section of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

VIOLATION

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter "Department") hereby issues a Citation to the Buttonwillow Rest Stop Water System (hereinafter "Water System") for failure to comply with Section 116555(a) of the CHSC and Sections 64432.1(a) of Title 22, California Code of Regulations (CCR). **Specifically, the Water System failed to comply with the nitrate monitoring and reporting regulations for the years 2007 through 2013.**

Section 116555(a)(1) and (3) of the CHSC, specifies "*Any person who owns a public water system shall ensure that the system does all of the following:*

- (1) *Complies with the primary and secondary drinking water standards.*
- (3) *Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water."*

Section 64432.1 - Monitoring and compliance – nitrate

Section 64432.1(a) of Title 22, CCR, specifically establishes the monitoring frequency for nitrate for public water systems. The minimum established frequency for nitrate is to collect an annual sample from each source, in order to determine compliance with the nitrate MCL of 45 mg/L (as nitrate). As outlined in the Source Water Quality Monitoring Schedule (TNC1) provided as **Attachment A**, the Water System's source(s) are required to be monitored at least annually. Based on Department's water quality database, Well 01 (Primary Station Code: 15002029-001) was last tested for nitrate on June 9, 2006, and is delinquent on nitrate monitoring. A copy of "*Delinquent Monitoring Schedule Report*" dated April 8, 2014, is provided as **Attachment B**. In the absence of nitrate data, the Department is unable to determine whether or not water produced by Well 01 met the nitrate MCL during the years of 2007 to 2013.

Section 64469(a) and (c) - Reporting requirements

Section 64469(a) of Title 22, CCR, specifies analytical results of all analyses completed in a calendar month shall be reported to the Department no later than the tenth day of the following month. Further, Section 64469(c) of Title 22, CCR, specifies analytical results shall be reported to the Department electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format (EDF) Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.

BACKGROUND

The Water System is classified as a transient noncommunity water system and serves a transient population of approximately 1500 through two active service connections. The Water System operates under the authority of a Domestic Water Supply Permit No. 03-12-98P-007, issued on April 29, 1998, by the State of California, Department of Health Services (now California Department of Public Health).

HISTORY OF VIOLATIONS

The Water System is required to collect a minimum of one nitrate sample from the Water System's source(s) per calendar year and has a history of monitoring and reporting violations. To document non-compliance with the nitrate monitoring and reporting regulations, the Department previously issued the enforcement letter as described below.

- On June 27, 2013, the Department issued Enforcement No. 03-19-13E-021 to the Water System for failure to collect the required annual nitrate sample from the Well 01 in 2012. Based on the Departments knowledge, the Water System has not complied with the directives of the above mentioned enforcement letter which required the Water System to collect a nitrate sample from Well 01 in 2013.

NOTIFICATION REQUIREMENTS

The above-mentioned violations of Sections 64432.1(a) and 64469(a) and (c) of Title 22, CCR are considered monitoring and reporting (M&R) violations and require issuing public notification to the persons served by the Water System. The Water System is required to notify the persons served, via Tier 2 public notification, in accordance with the Section 64463.4(a)(2) of Title 22, CCR. Public notification to the persons served by the Water System may be provided by the following methods, using the template provided as **Attachment C**. **By May 8, 2014**, the public notification of

the above mentioned M&R violations shall be provided directly to the consumers served by the Water System, as explained below:

1. Mail or direct delivery to each customer, and
2. Use one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery:
 - (a) Publication in a local newspaper or newsletter distributed to customers
 - (b) Posting in conspicuous public places served by the Water System, or on the internet or intranet
 - (c) Email message to employees

Proof of notification of the M&R violations is required. The Water System shall complete **Attachment D** and return it to the Department within 10 days of providing public notification and no later than **May 18, 2014**.

DIRECTIVES

The Buttonwillow Rest Stop Water System is hereby directed to take the following actions:

1. Cease and Desist from failing to comply with Section 116555(a) of the CHSC and **Sections 64432.1(a) and 64469(a) and (c)** of Title 22, California Code of Regulations (CCR).
2. Collect a nitrate sample from Well 01 **within 90 days** of receiving this citation and report the results electronically via Electronic Data Transfer (EDT) using the PS Code assigned to Well 01. Continue to **conduct annual nitrate monitoring** of Well 01 to avoid further monitoring and reporting violations in the future.
3. **By May 8, 2014**, notify the persons served by the Water System of the above-mentioned M&R violations using **Attachment C**.
4. **By May 18, 2014**, submit a copy of the signed and dated Proof of Notification (**Attachment D**) to the Department along with a copy of the signed and dated

1 public notice (Attachment C) after it has been distributed/posted at the
2 following address:

3 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
4 Department of Public Health
5 Southern California Branch
6 Drinking Water Field Operations
7 4925 Commerce Drive, Suite 120
8 Bakersfield, CA 93309
9 Phone: (661) 335-7315
10 Fax: (661) 335-7316

11 FURTHER ENFORCEMENT ACTIONS

12 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
13 Department to: issue additional citations with assessment of penalties if the public
14 water system continues to fail to correct a violation identified in a citation; take action
15 to suspend or revoke a permit that has been issued to a public water system if the
16 system has violated applicable law or regulations or has failed to comply with orders
17 of the Department; and petition the superior court to take various enforcement
18 measures against a public water system that has failed to comply with orders of the
19 Department. The Department does not waive any further enforcement action by
20 issuance of this citation.

21 PARTIES BOUND

22 This citation shall apply to and be binding upon the Buttonwillow Rest Stop Water
23 System, its officers, directors, agents, employees, contractors, successors, and
24 assignees.

25 SEVERABILITY

26 The directives of this citation are severable, and Buttonwillow Rest Stop Water
27 System shall comply with each and every provision thereof, notwithstanding the
effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

The Buttonwillow Rest Stop Water System has been billed at the current hourly rate since this is an enforcement action for noncompliance of the regulations.

April 8, 2014
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments

Attachment A:	Source Water Quality Monitoring Schedule – TNC1
Attachment B:	Delinquent Monitoring Schedule Report
Attachment C:	Public Notice
Attachment D:	Proof of Notification

cc: Kern County Environmental Health Services Department (w/o attachments)

JSD/ak

Attachment A

WATER QUALITY MONITORING SCHEDULE

Transient Noncommunity System (TNC1)

UPDATED APRIL 2012

This schedule supersedes all previous monitoring schedules.

Chemical - Title 22	MCL (mg/L)	Frequency
Primary Inorganics - Section 64432		
Aluminum	1	Not Required
Antimony	0.006	Not Required
Arsenic	0.010	Not Required
Barium	1	Not Required
Beryllium	0.004	Not Required
Cadmium	0.005	Not Required
Chromium	0.05	Not Required
Cyanide	0.15	Not Required
Fluoride	N/A	Once Only
Mercury	0.002	Not Required
Nickel	0.1	Not Required
Perchlorate	0.006	Not Required
Selenium	0.05	Not Required
Thallium	0.002	Not Required
Asbestos - Section 64432.2		
Asbestos	7 MFL	Not Required
Nitrate/Nitrite - Section 64432.1		
Nitrate (as NO ₃)*	45	Annually if < 23 mg/l Quarterly for 1 yr if any sample ≥ 23 mg/L*
Nitrite (as nitrogen)**	1	Every 3 years if < 0.5 mg/l Quarterly for 1 yr if any sample ≥ 0.5 mg/L**
Nitrate + Nitrite (sum as nitrogen)	10	N/A
Secondary Standards - Table 64449-A		
Aluminum	0.2	Not Required
Color	15	Not Required
Copper	1.0	Not Required
Foaming Agents	0.5	Not Required
Iron	N/A	Once Only
Manganese	N/A	Once Only
Methyl-tert-butyl ether (MTBE)	0.005	Not Required
Silver	0.1	Not Required
Thiobencarb	0.001	Not Required
Turbidity	5	Not Required
Zinc	5	Not Required
General Minerals - Section 64449		
Bicarbonate	N/A	Once Only
Carbonate	N/A	Once Only
Hydroxide Alkalinity	N/A	Once Only
Calcium	N/A	Once Only
Magnesium	N/A	Once Only
Sodium	N/A	Once Only
Hardness	N/A	Once Only
pH	N/A	Once Only
Secondary Standards - Table 64449-B		
TDS	500-1000;1500	Not Required
Specific Conductance	N/A	Once Only
Chloride	250-500;600	Not Required
Sulfate	250-500;600	Not Required

MCL = Maximum Contaminant Level

*Nitrate sampling shall be increased to quarterly following any result ≥ 23 mg/L.
This may be reduced to annual, upon request, if all 4 quarterly results are < 45 mg/L.

**Nitrite sampling shall be increased to quarterly following any result ≥ 0.5 mg/L.
This may be reduced to annual, upon request, if all 4 quarterly results are < 1.0 mg/L.

Attachment B

DATE: 04/08/14
REPORT: R0117/3

STATE OF CALIFORNIA
DRINKING WATER PROGRAM
DELINQUENT MONITORING SCHEDULE REPORT

PAGE: 1
TIME: 13:05

SYSTEM NO: 1502029 NAME: BUTTOWILLOW REST STOP WATER SYSTEM COUNTY: KERN
SOURCE NO: 001 NAME: WELL 01 PSCODE: 1502029-001 CLASS: TNC1 STATUS: AU

GROUP IDENTIFICATION		LAST SAMPLE COUNT		MODIFIED		NEXT	
CONSTITUENT IDENTIFICATION		FREQ		SCHEDULE		SAMPLE DUE	
NITRATE/NITRITE		2006/06/09		4		2007/06	
71850 NITRATE (AS NO3)						DUE NOW	

FREQ IS NUMBER OF MONTHS BETWEEN SAMPLES. WHEN FREQ IS 0, SAMPLE IS DUE NOW.
WHEN FREQ IS 999, NO SAMPLES ARE REQUIRED. COUNT IS NUMBER OF SAMPLES IN THE DATABASE.

Attachment C

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Nitrate Monitoring Requirements Not Met for Buttonwillow Rest Stop Water System

Our water system failed to monitor as required for a drinking water monitoring standard from the calendar year 2007 to 2013 and, therefore, was in violation of the monitoring and reporting regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. From the calendar year 2007 to 2013, we did not monitor or test Well 01 for nitrate and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last seven years, how many samples we are required to take and how often, how many samples we took when samples should have been taken, and the date on which the most recent nitrate samples were taken.

Source Name	Contaminant	Required sampling frequency	Number of samples taken in 2007 to 2013	When samples were taken
Well 01	Nitrate	1 per year (annually)	0 (None)	6/9/2006

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We will collect a nitrate sample from Well 01 in 2014. For more information, please contact Cassie Swords with the Buttonwillow Rest Stop Water System at (661) 391-3810.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Date posted: _____

Cassie Swords
Buttonwillow Rest Stop Water System (1502029)

Attachment D

**PROOF OF NOTIFICATION
(Return with copy of the Notice)**

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Buttonwillow Rest Stop Water System** of the failure to meet the **monitoring and reporting requirement for nitrate sampling from the calendar year 2007 to 2013** as directed by the Department.

Notification was made on _____ (date)
by including the required wording regarding the violation in the water system's Consumer Confidence Report (CCR) for the year _____.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

- ☐ The notice was distributed by **mail or direct delivery** (*please circle delivery method used*) to each customer served by the water system. Specify other direct delivery method(s) used: _____.
- ☐ Posted the notice at the following conspicuous locations served by the water system (*if needed, please attach a list of locations*). _____
- ☐ Publication of the notice in a local newspaper or newsletter of general circulation (*attach a copy of the published notice, including name of newspaper and date published*). _____
- ☐ Posted the notice on the Internet at [www._____](http://www._____.)
- ☐ Other method used to notify customers. _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: _____

Date: _____ Signature: _____

Due to the California Dept. of Public Health within 10 days of notification to the public or by **May 18, 2014**
Nitrate M&R Enforcement Action No.: 03-19-14C-008
System No. 1502029